

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 03-061

ALONZO MONDAY,

Defendant.

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**ORDER GRANTING DEFENDANT'S "MOTION FOR EXTENSION OF TIME IN  
WHICH TO FILE A NOTICE OF APPEAL"**

Pending before the court is Defendant Alonzo Monday's "Motion for Extension of Time in Which to File a Notice of Appeal." The Government's initial response noted that certain basic information was required before it could decide whether to acquiesce in Defendant's motion. The court ordered Defendant to provide this information via a supplemental brief, (10/15/08 Order), with which Defendant complied. (Def.'s 10/17/08 Resp.) Prior to the court's order, Defendant filed a reply indicating that "the government is in agreement that [delay in filing a notice of appeal] was 'excusable neglect' and further agrees that the government did not suffer any prejudice as a result of the excusable neglect." (Def.'s Reply at ¶ 3.) The court then ordered the Government to brief its position on Defendant's statement. (11/21/08 Order.) The Government responded that "the motion for extension of time to file an appeal is unopposed." (Gov't.'s 11/21/08 Resp.)<sup>1</sup>

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<sup>1</sup> Defendant's counsel did not seek the Government's concurrence with the original motion for an extension of time, pursuant to E.D. Mich. LCrR 12.1(a) and E.D. Mich. LR 7.1(a). As such, the court needed two orders, over a nearly two month period,

Accordingly, IT IS ORDERED that the Defendant's "Motion for Extension of Time In Which to File a Notice of Appeal" [Dkt. # 75] is GRANTED. Pursuant to Fed. R. App. P. (4)(b)(1) and 26, Defendant must file his notice of appeal by **December 9, 2008**.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: November 24, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 24, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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to determine the Government's level of agreement with Defendant's motion. This delay might have been avoided had Defendant's counsel simply complied with the Local Rules.